



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Frequently Asked Questions for Episodic Generation

Office of Land Quality / Compliance Branch

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IDEM has received several questions about the conditional exclusion for “episodic generation” under the hazardous waste rules. This document addresses those common questions and will be updated periodically.

What is an episodic event?

An episodic event, as defined in 40 CFR section 262.231 of the hazardous waste generator regulations, is an activity that does not normally occur during a generator’s operations and that causes that generator to exceed the threshold for its normal generator category for that month.

Who is eligible for an episodic event?

Both very small quantity generators (VSQG) and small quantity generators (SQG) can experience episodic events.

If a facility is at any point in the calendar year a large quantity generator (LQG), they are not eligible for the Episodic Generation Exclusion. For example, if a facility is an LQG in February then becomes VSQG or SQG, the facility will not qualify for an episodic event within that calendar year.

What is a planned event?

A planned event is an episodic event that the generator planned and prepared for.

Planned events might include a tank cleanout or cleanout of a laboratory, a short-term maintenance project, or a removal of excess inventory.

What is an unplanned event?

An unplanned event is an episodic event that the generator did not plan or reasonably did not expect to occur.

Examples of an unplanned event include a production process upset, product recall, accidental spill, or “act of nature,” such as a tornado, earthquake, flood, or wildfire.

How many episodic events are allowed?

A VSQG or SQG can conduct one planned or unplanned episodic event in a calendar year. A generator may petition IDEM for a second event; however, it must be different than the facility's first episodic event.

For example, if a facility has a planned episodic event in February, they may petition IDEM for an unplanned event later in the calendar year. They would not qualify for a second planned event.

How do I register for a second episodic event in a calendar year?

A generator may petition the IDEM for a second episodic event in a calendar year without impacting its generator category by following the steps outlined in 40 CFR 262.233. This is done through RCRAInfo.

The petition must include the following:

- (1) The reason(s) why an additional episodic event is needed and the nature of the episodic event;
- (2) The estimated amount of hazardous waste to be managed from the event;
- (3) How the hazardous waste is to be managed;
- (4) The estimated length of time needed to complete management of the hazardous waste generated from the episodic event—not to exceed sixty (60) days; and
- (5) Information regarding the previous episodic event managed by the generator, including the nature of the event, whether it was a planned or unplanned event, and how the generator complied with the conditions.

The petition must be made to IDEM electronically via the myRCRAid notification.

In the myRCRAid notification form, there is no designated location for parts of the petition (such as for (b)(3) and (b)(5)); therefore, this information must be added to the "Comments" Box.

When does the 60-day limit for an episodic event start?

The 60-day limit for a planned episodic event starts on the first day of any activities affiliated with the event.

For an unplanned episodic event, the event begins the day of the incident (spill, weather event, etc.). This is also the date the waste was generated, regardless of whether the generator has completed analysis confirming that the waste is hazardous, because the

date required for Episodic Generation labeling requirement is the start date of the event. For instance, if there is a spill on-site on April 1, 2021 and the facility notifies IDEM on April 1, 2021 (within 72 hours), but the waste is not excavated until April 15, 2021, the generation date would be April 1, 2021.

By when does the hazardous waste have to be transported off-site?

The generator has 60 calendar days from the start of the event to complete it and ship all the hazardous waste off-site to a RCRA-designated facility for treatment, storage, or disposal. An SQG can choose to treat the hazardous waste on-site within the 60-day timeframe as well.

What happens if I cannot complete my project within the 60-day time frame? How do I manage the hazardous waste generated from the project?

Any hazardous waste generated from the episodic event that is not shipped off-site within 60 days would be disqualified from the Episodic Generation Exclusion.

The facility must notify IDEM prior to the 60-day limit elapsing and proceed to manage the generated hazardous waste in accordance with the appropriate generator status.

Can I get an extension if I am unable to ship my episodic waste off-site within 60 days?

Events that qualify for the Episodic Generator Exclusion are not eligible for extensions of any kind.

The work must begin, take place, and end within the 60-day window. All hazardous waste generated from the event must be shipped off-site within 60 calendar days. If waste cannot be shipped off site within 60 days, the generator must notify as either a Small Quantity Generator or a Large Quantity Generator and comply with all applicable requirements and timeframes. The “clock” starts when the waste was generated, i.e., during the episodic event. For example, an LQG with 90 days of hazardous waste would receive an additional 30 days to ship the waste off site, for a total of 90 days, rather than 60 days for episodic plus 90 days for LQG.

Do I have to ship my episodic hazardous waste using a Hazardous Waste Manifest?

Yes. All generators holding episodic events must ship the waste to a RCRA-designated treatment, storage, or disposal facility using a Hazardous Waste Manifest and a hazardous waste transporter.

I notified for a planned episodic event, but the project was canceled. What do I do?

The facility must notify IDEM in writing to Regulatory Reporting at 100 North Senate Avenue, Suite 1100, Indianapolis, IN 46204 or by email to myrcraid@idem.in.gov of the cancellation of the event prior to the planned start date.

Once the planned start date has elapsed, even if the episodic event does not occur, the facility will not be eligible for any other planned episodic event that calendar year.

I notified for a planned episodic event, but my project has been delayed. What do I do?

The facility must notify IDEM by email myrcraid@idem.in.gov or by calling IDEM OLQ Regulatory Reporting Office (317) 233-0066.

The updated notification date must be 30 or more days prior to the new start date. For example: Initial Notification was 1/1/20, Facility realizes on 1/5/20 that the start date needs to be delayed, Facility contacts IDEM on 1/7/20, the new start date cannot be before 2/6/20 (30 calendar days).

Once the planned start date has elapsed, even if the episodic event does not occur, the facility will not be eligible for any other planned episodic event that calendar year.

What happens if I notify for a planned event with less than the 30-day notice? For instance, the notification is submitted on February 1, 2021 and the planned start date is March 1, 2021 (only calendar 28 days).

To take advantage of the exclusion for episodic generation, you must notify at least 30 days before the start date. RCRAInfo will not flag or reject a notification that is made with less than 30 days, so it is imperative that you ensure you have met this requirement.

If you submit a notification that does not provide 30-day notice, then you will need to resubmit your notification and provide the proper 30-day notice. If the event has already began, it will not qualify for the Episodic Generation Exclusion and all hazardous waste will need to be managed under the appropriate generator standards.

The facility must notify IDEM by email myrcraid@idem.in.gov or by calling IDEM OLQ Regulatory Reporting Section at (317) 233-0066.

Once the planned start date has elapsed, even if the episodic event does not occur, the facility will not be eligible for any other planned episodic event that calendar year.

What will happen if the planned episodic event on-site began and I did not provide the 30-day notice to IDEM?

Any hazardous waste generated from that event would not qualify for the Episodic Generator Exclusion and would need to be managed under the appropriate generator regulations.

The facility must update their status by submitting the 8700-12 via the RCRAInfo.

Once the planned start date has elapsed, even if the episodic event does not occur or qualify, the facility will not be eligible for any other planned episodic events that calendar year.

How do I notify for an unplanned episodic event?

The facility must notify IDEM of an unplanned event 72 hours or less after the event start date via phone call (317-233-0066), email (myrcraid@idem.in.gov), or fax (317-234-0428). Please provide a description of the event in this notification and subsequently (within 7 days) submit the 8700-12 via RCRAInfo.

If the notification is received via phone, email, or fax, the facility must also submit, in a timely manner (less than 7 days), the 8700-12 via RCRAInfo.

What happens if my unplanned episodic event start date needs to be changed or if I need to cancel the unplanned episodic event?

Since the start date has elapsed prior to the facility notifying IDEM of an unplanned event, unplanned events cannot be changed or canceled. Therefore, once notified, the facility will not be eligible for any other unplanned episodic event that calendar year.

What happens if I do not notify IDEM of my unplanned event within the 72-hour time frame?

The facility will become ineligible for an episodic event and will have to manage hazardous waste generated during the event under the appropriate generator category.

The facility must update their generator status by submitting or updating their notification through RCRAInfo.

If the facility became an SQG due to this incident, the facility may still qualify for either a planned or unplanned episodic event that calendar year.

If the facility became an LQG due to this, the facility will not be eligible for any other episodic event that calendar year.

My site completed a maintenance project. Based on our initial assessment of the project, we did not expect to generate a hazardous waste. We had our waste analyzed after it was generated, and it is a hazardous waste. Is this eligible for episodic generation?

No.

All generators are required to make a proper waste determination; failure to make a correct waste determination would not qualify for the Episodic Generation Exclusion.

The project which generated the hazardous waste occurred prior to the notification of an episodic generation; therefore, the requirement for 30-day notice was not provided. Since the 30-day notice was not properly provided, this hazardous waste would not qualify as a planned episodic generation event.

A waste determination that reveals a generated waste to be hazardous does not qualify as an unplanned episodic event.

If the waste being generated from a project is not familiar to the facility representatives or analytical has not been conducted on the waste, the best course of action would be to preemptively register an episodic event. This course of action would cause the facility to use their planned episodic event for the calendar year; therefore, the facility would only be eligible, by accepted petition to IDEM, for an unplanned event in the same calendar year.

My site has been operating as a VSQG (or SQG) but recently generated more hazardous waste due to an increase in production. Can this be managed under an episodic event?

No. Increased production of hazardous waste due to an increased rate of production is **not** an episodic event.

My facility has scheduled a planned episodic event for a product or raw material tank cleanout. How would I manage this event in order to meet the planned event per the Episodic Generation Exclusion?

In accordance with 40 CFR 261.4(c), a hazardous waste which is generated in a product or raw material storage tank, transport vehicle or vessel, pipeline, or in a manufacturing process unit or an associated non-waste-treatment-manufacturing unit, is not subject to regulation as a hazardous waste until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials.

To manage this waste as a planned episodic event, the generator must register the planned episodic event either 30 or more days prior to removing the hazardous waste from the unit, or 30 or more days prior to the 90-day limit outlined in 40 CFR 261.4(c), whichever comes first.

If the timeframes above are not met, the hazardous waste **will not** qualify for the Episodic Generation Exclusion. The facility must notify IDEM of their new hazardous waste generator status and manage the hazardous waste under all applicable RCRA regulations.

I have a remediation site that generates hazardous waste once per year. Can that be considered an episodic event?

Remediation events, generally, do not qualify for planned episodic or unplanned episodic events since the work would be considered routine work for the company or the project would be on-going and be unable to meet the 60-day time frame requirement. For example, if there is a remediation well on site that produces hazardous waste once per year, that hazardous waste must be managed under the applicable generator standards.

My facility has scheduled a planned episodic event for a tank cleanout; however, the tank is part of an excluded unit, such as a Wastewater Treatment System (WWT). How would I manage this event in order to meet the Episodic Generation Exclusion?

The facility would need to notify IDEM of the planned episodic event 30 days prior to removing the tank from service or disconnecting the tank from the WWT system.

Once a WWT tank is removed from service or disconnected from the WWT system, the hazardous waste has been generated. This differs from standard process tank or product tank cleanouts, where the waste inside would not be generated until removed from the unit or the 90-day timeframe had elapsed per 40 CFR 261.4(c).

If a WWT tank has been removed from service or disconnected from the WWT system prior to the facility properly notifying IDEM of the planned event, the event would not qualify for the Episodic Generation Exclusion and all the hazardous waste generated would need to be managed under the applicable generator standards. The generator must notify IDEM as either a Small Quantity Generator or a Large Quantity Generator and comply with all applicable requirements and timeframes.